



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) citation	18VAC15-40
Regulation title	Certified Home Inspector Regulations
Action title	General Review with emphasis on the definitions, the entry, experience and practice standards as well as the consideration of adopting continuing professional education (CPE) requirements.
Date this document prepared	October 16, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board intends to conduct a general review of its regulation provisions including, but not limited to, the definitions, entry standards, experience requirements, standards of practice and will consider adding continuing professional education (CPE) requirements.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-501 (7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-501>) states that the Board shall promulgate regulations regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations in whole or in part, the

proper conduct of its examinations, the proper conduct of the home inspectors certified by the Board, the implementation of exemptions from certifications requirements, and the proper discharge of its duties.

The imperative form of the verb “shall” is used, making the Board’s authority to regulate mandatory rather than discretionary.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The current regulations are the first to be promulgated under statutory authority granted by the 2001 Session of the Virginia General Assembly and have been in effect since July 1, 2003 without amendment. The passing of four years since initial promulgation and the Board’s experience with the current regulations lead the Board to conclude that a general review as well as consideration of continuing professional education (CPE) provisions is appropriate at this time.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The Board proposes to conduct a general review and, if appropriate, propose amendments to correct any deficiencies found. The Board is concerned that its entry requirements, especially its experience requirements, may need amendments to assure only properly qualified individuals receive a certification. The standards of practice will be similarly reviewed to identify any new or existing hazards to the public that require amendments to correct. Finally, the Board will consider adding a regulation provision requiring continuing professional education (CPE) to assure competent practice and the resulting public protection.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No viable alternative has been identified.

Given the passing of four years since the effective date of their initial regulations and the Board's experience with the current regulations, a regulation review is justified.

The Board will seek comment from the public and certificate holders to identify necessary amendments and alternatives to the amendments. The Board will evaluate all suggestions and alternatives in arriving at proposed regulation amendments.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to **David Dick, Executive Director, Home Inspector NOIRA, DPOR, Perimeter Center, Suite 400, 9960 Mayland Drive, Richmond, VA 23233, ALHI@dpor.virginia.com or (804) 527-4297**. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board will use a participatory approach in the development of the proposal and may appoint committees composed of both Board members and non-members.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No family impact has been identified.